

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ANTONE LAMANDINGO KNOX,)
)
)
Plaintiff,)
)
v.) Case No. CIV-20-00988-PRW
)
)
MARK BOWEN, et al.,)
)
Defendants.)

ORDER

On November 23, 2020, United States Magistrate Judge Suzanne Mitchell issued a Report and Recommendation (Dkt. 11) in this action. In her Report and Recommendation, Magistrate Judge Mitchell recommends that Plaintiff's Application for Leave to Proceed in Forma Pauperis (Dkt. 2) and Motion for Leave to Proceed in Forma Pauperis (Dkt. 10) be denied because Plaintiff is barred from filing in forma pauperis under the Prison Litigation Reform Act's "three strikes rule" and does not qualify under the limited exception to that rule for situations in which there is an "imminent danger of serious physical injury." For that reason, Magistrate Judge Mitchell also recommends that Plaintiff's Pro Se Prisoner Civil Rights Complaint (Dkt. 1) be dismissed without prejudice unless the full filing fee is paid within twenty-one days of this Order.

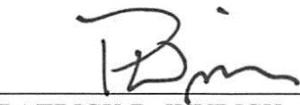
Plaintiff was advised of their right to object to the Report and Recommendation by December 14, 2020, in accordance with 28 U.S.C. § 636 and Federal Rule of Civil Procedure 72, and that failure to make a timely objection would waive any right to appellate

review of the factual and legal issues addressed in the Report and Recommendation (Dkt. 11). On December 10, 2020, Plaintiff sought an extension of that deadline, *see* Pl.'s Mot. for Extension of Time (Dkt. 12), which the Court granted the following day, extending the deadline to January 4, 2021, *see* Order (Dkt 13). No objections have been filed as of this date. Having failed to object, Plaintiff has accordingly waived their right to appellate review of the factual and legal issues addressed in the Report and Recommendation (Dkt. 11).¹

Upon review of the Report and Recommendation (Dkt. 11), the Court:

- (1) **ADOPTS** in full the Report and Recommendation (Dkt. 11) issued by the Magistrate Judge on November 23, 2020;
- (2) **DENIES** Plaintiff's Application for Leave to Proceed in Forma Pauperis (Dkt. 2) and Motion for Leave to Proceed in Forma Pauperis (Dkt. 10); and
- (3) **DISMISSES WITHOUT PREJUDICE** Plaintiff's Pro Se Prisoner Civil Rights Complaint (Dkt. 1) unless the full filing fee is paid within twenty-one days of this Order.

IT IS SO ORDERED this 12th day of January, 2021.



PATRICK R. WYRICK
UNITED STATES DISTRICT JUDGE

¹ *United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1059–60 (10th Cir. 1996); *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *cf.* 28 U.S.C. § 636(b)(1) (requiring a district judge to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made” but otherwise permitting a district judge to review the report and recommendations under any standard it deems appropriate).